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Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2053 (2012). In paragraph 28 of that resolution, the Council requested that I report, by 14 February 2013, on the progress on the ground in the Democratic Republic of the Congo, including towards the objectives outlined in paragraph 4 of the resolution, and on recommended benchmarks for measuring the progress and the impact of the disarmament, demobilization, repatriation, resettlement and reintegration process on the strength of foreign armed groups. The Council also requested that I include in the report two thematic annexes, one on the strategic review of the implementation of the International Security and Stabilization Support Strategy as mentioned in paragraph 7 of the resolution, and one on the strategy and efforts to transfer some of the tasks of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to members of the United Nations country team. The present report covers developments that occurred since my report of 14 November 2012 (S/2012/838).

II. Major developments

2. The situation in the eastern Democratic Republic of the Congo remained fragile as elements from the former Congrès national pour la défense du peuple (CNDP), now known as the Mouvement du 23 mars (M23), further consolidated their control over a significant portion of North Kivu Province. On 20 November, after intense fighting involving the Forces armées de la République démocratique du Congo (FARDC) and MONUSCO, M23 occupied Goma and withdrew from the city only on 2 December. In that context, attacks against civilians intensified and the humanitarian situation deteriorated significantly. Regional tensions were fuelled by reports of active external support continuing to be provided to M23. The International Conference on the Great Lakes Region, with the support of other international and regional partners, was successful in facilitating the opening of a dialogue between the Government of the Democratic Republic of the Congo and M23 in December. Despite a number of challenges and delays, those talks are continuing in Kampala.

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National political developments

3. On 22 November, the President of the Democratic Republic of the Congo, Joseph Kabila, suspended the Chief of Staff of Land Forces, Major General Gabriel Amisi, following the publication of the report of the Group of Experts on the Democratic Republic of the Congo (see S/2012/843), in which the Group of Experts documented that the Chief of Staff had been collaborating with poachers and armed groups, including Mayi-Mayi Raia Mutomboki and Mayi-Mayi Nyatura. He was replaced by Lieutenant General François Olenga. In the light of the security situation in North Kivu and the fall of Goma on 20 November, both chambers of parliament sought to question relevant Government officials. The Senate invited the Ministers of the Interior, Foreign Affairs and Defence, who separately addressed the plenary session on 26 and 30 November and on 3 December, respectively. On 28 November, Prime Minister Augustin Matata Ponyo presented his views on the Government's handling of the security situation in the eastern Democratic Republic of the Congo, including a summary of major events in the previous six months in North Kivu, renewed accusations of Rwandan involvement and gratitude for the support of the international community.

4. On 30 November, the International Monetary Fund suspended $240 million in planned loans to the Democratic Republic of the Congo for failing to publish details of mining contracts. On 2 January, the Government requested the parliament to grant provisional credits for January 2013 after the 2013 Finance Law was sent back to parliament by the Presidency for a second reading. With the National Assembly and Senate joint commission unable to reach an agreement on a harmonized draft of the 2013 Finance Law because of divergences over budgetary cuts, in conformity with article 135 of the Constitution, on 14 January the National Assembly forwarded the draft version of the law which it had adopted to President Kabila for promulgation.

5. On 12 December, the National Assembly adopted the revised Organic Law on the Independent National Electoral Commission by 374 votes in favour out of 384 votes cast. In a critical step towards reviving the suspended electoral process, the majority and the opposition in the National Assembly reached a consensus on a draft amended law on the establishment of an oversight and decision-making plenary body, the redistribution of decision-making powers and the introduction of civil society in the Commission. Following the adoption by the Senate of a differing version of the draft law on 31 December, a joint commission of the National Assembly and Senate was set up to harmonize the law. Unable to reach a consensus on a harmonized draft of the revised law on the Commission, the joint commission returned the law to the National Assembly on 13 January. The National Assembly adopted the revised organic law with minor changes on 14 January. The revised law requires that the board members of the Commission be composed of at least 30 per cent women. The law was transmitted on 16 January to the President for promulgation and, at the time of this report, was being reviewed by the Supreme Court of Justice for its conformity with the Constitution.

6. On 15 December, President Kabila delivered his annual State of the Nation address before a joint session of the National Assembly and the Senate. He focused on the crisis in North Kivu and accused Rwanda of an act of aggression. Outlining the Government's three-pronged approach for addressing the crisis, he included a request to reinforce the mandate of MONUSCO and appealed for general

mobilization of the population. In his New Year's address on 31 December, he declared that the reconstruction and development of the Democratic Republic of the Congo, the reform of the national army and the promotion of national cohesion and dialogue were the priorities of the Government.

North Kivu, South Kivu, Maniema and Katanga Provinces

7. The advance of M23 towards Goma started in earnest on 15 November with an attack on Kibumba, approximately 20 km north of Goma. After some success in pushing back M23 on the first and second days of the offensive with significant and robust support by MONUSCO, which is estimated to have resulted in high casualties to M23, the Congolese armed forces later succumbed to a larger, well-organized and well-supplied force. Following the setback of its first attack on Kibumba, the subsequent speed, efficiency and success of the renewed M23 offensive were rendered possible by a sudden increase in the group's combatants, coordinated multi-pronged attacks and attacks with coordination between infantry and fire support, all capacities that are not characteristic of former integrated CNDP elements. Furthermore, MONUSCO observations of the command and control ability of the attacking force, the effective coordination of its fire support, the quality of its equipment and its general fighting ability, particularly during night-time, all suggested the existence of external support, both direct and indirect. By the evening of 19 November, FARDC had withdrawn from all positions ahead of Goma and abandoned most of their positions inside Goma town. On 20 November, after considerable neutralizing fire by M23 in the north-eastern part of the town, M23 bypassed MONUSCO positions and moved into Goma. MONUSCO continued its patrolling in the town and provided protection to large numbers of civilians inside its camps and elsewhere. The attempt by M23 to take over Goma airport and FARDC assets inside the airport was robustly prevented by MONUSCO and the airport remained under the control of the United Nations. When M23 seized control of Goma, MONUSCO observed that M23 elements were furnished with military equipment and ammunition that were not part of FARDC stocks, such as M60-type rifle grenades. That observation would further substantiate reports of external support, as presented by the Group of Experts on the Democratic Republic of the Congo.

8. On 20 November, M23 elements advanced and captured Sake, 25 km west of Goma, on 21 November. They dislodged FARDC troops, who retreated further south to Minova, in South Kivu Province, amid reports of widespread looting and rape. On 21 November, M23, having called on remnant FARDC troops and officers of the Congolese national police in Goma to surrender, disarmed about 450 FARDC soldiers and 250 police elements.

9. In Bukavu, demonstrators, protesting violently on 21 November following the occupation by M23 of Goma, attempted to set fire to the office of the ruling Parti du peuple pour la reconstruction et la démocratie (PPRD) and threatened to target MONUSCO installations, but were dispersed by the police. In case M23 breached FARDC defences around Minova, MONUSCO had reinforced security deployments in Bukavu, Kavumu airport and surrounding areas.

10. On 21 November, members of M23 addressed rallies in Goma and attempted to reassure residents, while declaring that the removal of President Kabila from office was their prime objective. On 27 November, the M23 leadership, led by Jean

Marie Runiga Lugerero, at a press conference in Goma, called for a national dialogue and set out nine other conditions to be fulfilled before the armed group would withdraw from the city. On the same day, Rwanda reported that FDLR had entered its territory from an area south of Kibumba at the Gasizi border to Kabuhanga (26 km from Goma) and attacked an RDF outpost at Jerima.

11. On 1 December, following widespread international condemnation and the prospect of talks hosted by the Chair of the International Conference on the Great Lakes Region, Uganda, M23 declared its withdrawal from positions in Goma and Sake, in accordance with the terms of the 24 November communiqué by the International Conference. However, M23 did not withdraw to 20 km from Goma, as requested in the communiqué. Around 200 elements continued to occupy Munighi Heights, 3 km from Goma airport. On 3 December, FARDC redeployed approximately 650 troops in Goma.

12. Crime increased in Goma amid a shortage of Congolese national police elements and the escape on 20 November of 1,255 inmates from Munzenze Prison during the M23 occupation of the city. As crime rose, some residents resorted to mob justice, with more than 12 suspects lynched in Goma between 1 and 12 December. The National Police Commissioner, Charles Bisengimana, arrived in Goma on 3 December and took steps to restore police services. By 10 January, with the support of MONUSCO, the number of police in the city had progressively increased to approximately 3,500 elements, roughly equivalent to the number of police elements deployed in the city prior to its occupation.

13. On 18 and 26 December, United Nations helicopters flying at night were shot at, apparently by M23 elements, as they flew over areas between Goma and Sake and north of Goma towards Kibumba, respectively. None of the helicopters sustained any damage and no personnel were injured.

14. Elsewhere in the province, other armed groups increased their activities. FARDC attempted a dual approach of conducting operations against them, while selectively encouraging some to integrate into the national armed forces. Although a number of elements from Mayi-Mayi Nyatura and Alliance des patriotes pour un Congo libre et souverain (APCLS) reported for integration, others rejected the process and continued to carry out attacks on civilians in parts of Masisi territory. Other Mayi-Mayi groups in northern North Kivu sought to increase their strength under the overall command of self-proclaimed "General" Lafontaine, in collaboration with M23 elements. In Beni territory, the number of armed combatants in the Allied Democratic Forces (ADF) reportedly grew to 1,300 as of January 2013. On 14 December, ADF attacked FARDC and occupied Boga village, killing two FARDC soldiers. On 19 January, FARDC repulsed an attack by ADF at Tedeu, during which five ADF elements were reportedly killed.

15. The situation in South Kivu remained volatile throughout the reporting period. Late in November, tensions peaked as the M23 offensive appeared to target South Kivu. A number of armed groups in the Province pressed the Government to include them in the dialogue in Kampala with M23. Reports also persisted of largely unsuccessful attempts by M23 to destabilize the Province through proxies or alliances with local armed groups.

16. Several Mayi-Mayi splinter groups apparently broke off their alliances with M23 proxy groups operating in the Moyens and Hauts Plateaux and began negotiations with FARDC. On 5 December, over 80 Mayi-Mayi elements from the "Mayele" group assembled in Lusambo, in Uvira territory, reportedly for integration into FARDC.

17. Armed groups throughout the Province, especially the Mayi-Mayi Raia Mutomboki, the Forces démocratiques pour la libération du Rwanda (FDLR) and the Burundian armed group Forces nationales de libération (FNL), continued to exploit security voids resulting from FARDC redeployments. Mayi-Mayi Raia Mutomboki factions stepped up activities in Shabunda, clashing with FARDC and FDLR and fighting for control of mining sites. FDLR established a command position in Mwenga, with combatants in northern Katanga reported to have moved northward to reinforce this position. FDLR elements also carried out reprisal attacks on civilians in Kabare, Walungu, Mwenga and Fizi.

18. In Maniema, there continued to be an influx of an unconfirmed number of displaced persons into Lubutu territory as a result of the M23 rebellion and related armed group activity in Walikale territory, North Kivu. Occasional clashes continued during the reporting period between FARDC and Mayi-Mayi Raia Mutomboki elements on the provincial borders between North and South Kivu. Various Mayi-Mayi groups also remained active around the mineral-rich areas of Punia, Pangi, Kabambare and especially Lubutu. Following the takeover of Goma by M23, students, civil society representatives and former Mayi-Mayi combatants gathered at various points around Kindu on 21 November to demonstrate, threatening to attack the Governor's office and MONUSCO offices. Congolese national police and FARDC elements deployed to deter any violence.

19. In Katanga, the Mayi-Mayi group led by Gédéon Kyungu Mutanga, known as "Kata Katanga", continued to clash with FARDC in the Manono and Pweto territories in northern Katanga, seizing weapons and reaching out to former Mayi-Mayi militia to seek allies for its purported agenda in support of the secession of Katanga Province. Other Mayi-Mayi groups, also apparently affiliated with Gédéon, expanded their activities in central Katanga, from Mitwaba westward into Malemba-Nkulu and Bukama territories. Rumours of Mayi-Mayi regroupings towards the west of Manono caused an estimated 12,000 people to flee the town in fear of an imminent attack. As at 31 December, Katanga hosted over 316,000 internally displaced persons, a sharp increase from the 55,500 who had been in the Province at the beginning of 2012.

Orientale Province

20. Efforts to integrate elements of the Forces de résistance patriotiques en Ituri (FRPI) militia into FARDC were not successful largely owing to demands by FRPI leader Cobra Matata for amnesty for himself and the group and for ranks to be given to his combatants. In Mambasa territory, Mayi-Mayi Simba continued to carry out attacks against civilians in artisanal gold mining areas.

21. Small and mobile groups of the Lord's Resistance Army (LRA) continued to operate in the Haut-Uélé district. Despite a slight decrease in attacks compared to the previous reporting period, these residual elements remained active in the Bangadi-Ngilima area and along the Dungu-Duru axis. During the reporting period, FARDC and MONUSCO conducted patrols and maintained a deterrent presence in

areas at risk. On 18 January, the Ugandan People's Defence Force killed "Brigadier Binani", a top bodyguard of LRA leader Joseph Kony, in the Central African Republic.

22. On 20 November, students in Bunia and in Kisangani threw stones at MONUSCO premises and burned several United Nations vehicles. PPRD headquarters and the premises of a church headed by M23 "President" Jean Marie Runiga also came under attack in Bunia. The demonstrations rapidly degenerated into widespread mob violence. In Bunia, the premises and installations of several United Nations agencies and international humanitarian organizations and the residences of MONUSCO and other United Nations staff were targeted. Investigations confirmed, however, that the fall of Goma had been used as a pretext for the violent demonstrations. The real motivation had more to do with attempts by former militiamen to destabilize the area and outstanding issues related to the reintegration of former combatants. The Minister of the Interior, Richard Muyej Mangez, led a delegation to Kisangani and Bunia on 23 and 24 November to calm tensions and announced an investigation into the events. He appealed to the population to halt the violence directed at the United Nations and other international partners.

Humanitarian situation

23. Humanitarian needs increased significantly during the reporting period, primarily due to M23 military activities and the subsequent heightened activities of other armed groups in North Kivu. As at early January, more than 2.6 million people had been displaced in the country, with close to 1.8 million in the Kivus. Many of these internally displaced persons had found themselves in protracted and multiple displacements. The mid-November M23 offensive led to the displacement of some 140,000 people, with another several thousand seeking refuge in neighbouring South Kivu. It also caused a reduction in the humanitarian space, with numerous routes becoming too insecure for relief efforts, and the closure of Goma airport. Other effects of the offensive included the temporary suspension of emergency programmes and the relocation of non-essential humanitarian staff, a general climate of insecurity that had led to 54 security incidents against humanitarian actors as of December, attacks early in December on the internally displaced persons camp of Mugunga III and its neighbourhood, thousands of children being unable to attend school and the presence of substantial unexploded ordnance.

24. On 8 December, the United Nations Humanitarian Coordinator led a high-level humanitarian mission to Goma, bringing along some two tons of relief items. Aid agencies carried out assessments and determined, in mid-December, the priority humanitarian needs of the area. United Nations agencies, non-governmental organizations and other partners transported tons of food and non-food items to the province.

25. The military activities of M23 in North Kivu had repercussions in South Kivu, with over 40,000 people fleeing to Minova, further compounding the humanitarian challenges in the Province.

26. As at 22 January, the Democratic Republic of the Congo hosted an estimated 50,000 Rwandan refugees, while 58,000 Congolese refugees were in Rwanda. Moreover, some 110,000 Congolese refugees were in Uganda; another 40,000 in Burundi and close to 63,000 in the United Republic of Tanzania.

27. The 2012 Humanitarian Action Plan had received only 61 per cent of its funding as at 22 January. Allocations by the pooled fund and Central Emergency Response Fund and a recent increase in funding and pledges by donors on a bilateral basis had helped to ensure that humanitarian needs continued to be addressed in the country.

Regional developments

28. Condemnation was widespread following the launching by M23 forces of an offensive in North Kivu on 19 November. The African Union Peace and Security Council issued a communiqué on 19 November requesting an immediate and unconditional end to the hostilities. At its fifth interministerial meeting, held in Kampala on 20 November, the International Conference on the Great Lakes Region called upon all parties to stop fighting and allow the Conference to facilitate a durable solution through a political and diplomatic process. The fifth extraordinary summit of the heads of State and government of the Conference, held on 24 November, appealed to the Government of the Democratic Republic of the Congo to address the legitimate grievances of M23 and to M23 to stop its military activities. On the sidelines of the summit, in a joint communiqué issued on 21 November, the Presidents of the Democratic Republic of the Congo, Rwanda and Uganda denounced the efforts by M23 to undermine the authority of the Government of the Democratic Republic of the Congo. Following the Conference summit, on 25 November, the Southern African Development Community also called for the immediate withdrawal of M23 from Goma.

29. Subsequently, in accordance with the terms of the 24 November communiqué of the International Conference on the Great Lakes Region, a dialogue between delegations of the Government of the Democratic Republic of the Congo and M23 was launched on 9 December under the mediation of Crispus Kiyonga, Minister for Defence of Uganda. The rules of procedure and the provisional agenda were agreed by the two delegations on 21 December. The resumption of the dialogue, scheduled for 4 January 2013, was blocked by disagreement on the issue of the conclusion of a formal ceasefire, which the Government of the Democratic Republic of the Congo had rejected. On 8 January, M23 declared a unilateral ceasefire, which allowed the talks to continue. On 16 January, the Government of the Democratic Republic of the Congo and M23 formally adopted the agenda of the talks in Kampala. On 21 January, both delegations completed their respective evaluation of the implementation of the 23 March 2009 agreement. At the time of the present report, discussions were continuing in Kampala.

30. At its 346th meeting, held on 10 December 2012, the African Union Peace and Security Council reaffirmed its commitment to the unity, territorial integrity and sovereignty of the Democratic Republic of the Congo and its rejection of armed rebellion as a means to advance political claims.

31. Following up on the meeting of the Committee of the Ministers for Defence held in October, the International Conference on the Great Lakes Region Regional Inter-Ministerial Committee commended the progress made by the Committee in establishing the Expanded Joint Verification Mechanism, the Joint Intelligence Fusion Centre and finalizing the concept of operations for the proposed Neutral International Force. During previous Conference summits, the Government of the United Republic of Tanzania had offered to provide troops and a commander for the

Neutral International Force. At its extraordinary summit of 8 December 2012, held in Dar es Salaam, the Southern African Development Community decided to deploy its standby force in the eastern Democratic Republic of the Congo within the framework of the proposed Neutral International Force.

32. On 27 and 28 December, the African Union organized a consultative meeting on the security arrangements to be established in the eastern Democratic Republic of the Congo. At the meeting, details were given on various options to be considered for establishing the Neutral International Force and the Expanded Joint Verification Mechanism.

33. From 2 to 9 January, my Military Adviser undertook a tour of the Great Lakes region to harmonize the regional and United Nations approaches on an enforcement mechanism, such as the proposed Neutral International Force, to be deployed in the eastern Democratic Republic of the Congo. He met the President of Uganda, Yoweri Museveni, as Chair of the International Conference on the Great Lakes Region, the President of the United Republic of Tanzania, Jakaya Kikwete, as Chair of the Political and Security Organ of the Southern African Development Community, and President Kabila. On 8 January, he attended a ministerial-level meeting convened by the African Union to hold high-level consultations on the establishment of security arrangements in the eastern Democratic Republic of the Congo, including through the deployment of an intervention brigade within MONUSCO composed of troops from the Southern African Development Community countries. On 26 January, on the sidelines of the African Union summit, the Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous met with Ministers of Defence and Chiefs of Defence Staff of the region and stressed the importance of unity of command of MONUSCO to the conduct of the operations of the intervention brigade.

III. Implementation of the mandate of the mission

Protection of civilians

34. MONUSCO employed a series of flexible short-term measures to provide security in areas where civilians were under imminent threat. This included the use of quick reaction forces and standing and mobile patrols around hotspots in Goma during the hiatus between the withdrawal of M23 and the redeployment of the Congolese armed forces and the Congolese national police. MONUSCO assigned five quick reaction forces to protect the internally displaced persons camps and sites of Mugunga I and III, Bulengo and Lac Vert. The Mission maintained a round-the-clock presence outside the Mugunga III camp to conduct night patrols. In terms of additional measures to enhance the protection of internally displaced persons, the Mission extended the community alert networks to Mugunga I and III, Bulengo, Nzulo and Lac Vert. The number of officials responsible for internally displaced persons was increased in each camp and site.

35. MONUSCO deployed 82 community liaison assistants in Orientale Province and North Kivu between November 2012 and January 2013. During the reporting period, local communities and humanitarian actors alerted assistants about attacks or threats on 38 occasions, triggering a response from national security forces or MONUSCO. Assistants also worked on the extension of the existing community network in the Kivus and Orientale Province by identifying and training additional focal points. From November 2012 to January 2013, a total of six joint protection

teams were deployed in South Kivu, North Kivu and Orientale Provinces to protect civilians under imminent threat.

Mission deployment and provision of support to operations by the Congolese armed forces against armed groups

36. MONUSCO continued to support the Congolese armed forces in confronting and containing the M23 rebellion in North Kivu at both the command level in Kinshasa and the tactical operational zone level in the field. The support was provided in strict compliance with the human rights due diligence policy on United Nations support to non-United Nations security forces.

37. On 15 November, M23 launched a major offensive against the Congolese armed forces in North Kivu. During the battles that unfolded at Kibumba, Kibati, Munigi and up until the entry of M23 into Goma, MONUSCO forces were alongside FARDC and in some cases by themselves at the front. MONUSCO robustly supported FARDC, including through direct military engagement. MONUSCO launched 18 attack helicopter missions firing 620 rockets, four missiles and 492 rounds of 30-mm ammunition. On the ground, infantry support vehicles of the Mission fired some 800 30-mm rounds and North Kivu Brigade fired approximately 4,000 rounds of small arms ammunition in contact with the attacking forces seeking to advance on Goma.

38. With the withdrawal of M23 from Goma (see paras. 10-12 above), MONUSCO became engaged in a variety of activities, ranging from assisting the return to Goma of the Congolese civilian administration, to ensuring the protection of civilians under direct threat from M23, including members of civil society and the media, to supporting the deployment of Congolese police units and the FARDC 41st commando battalion to Goma. MONUSCO also maintained the full security of Goma airport pending the potential implementation of airport security arrangements in accordance with the communiqué of 24 November of the International Conference on the Great Lakes Region, allowing for the rapid resumption of flights, and secured other vital installations in and around Goma. MONUSCO also provided escorts to humanitarian convoys.

39. In South Kivu, MONUSCO built up its forces in and around Bukavu to prevent further advances of M23 southwards, notably around the airfield at Kavumu, where the attack helicopters of the Mission had been redeployed. MONUSCO coordinated defensive plans with FARDC and provided advice and training to FARDC units deployed in subsequent defensive positions in both North and South Kivu in order to help improve their capacity to hold ground and to counter any further attempts by M23 to undertake renewed offensive operations and threaten population centres and civilians.

40. Operations elsewhere in the country in support of FARDC continued. In Orientale Province, Operation Reassurance, targeting LRA, was launched in December, while operations in Ituri in support of FARDC against FRPI continued. Furthermore, MONUSCO implemented a series of quick-impact retraining and re-equipping programmes, with the aim of bolstering the operational capabilities of FARDC. However, during the reporting period, the Government did not seek MONUSCO support for FARDC operations against Mayi-Mayi groups in central Katanga.

41. On 6 January, a MONUSCO armoured personnel carrier based at the mobile operating base in Mambasa supported FARDC with heavy machine gun fire and jointly pushed back the several hundred Mayi-Mayi Simba combatants who had entered Mambasa town the previous day and caused FARDC to temporarily withdraw from the town. A MONUSCO helicopter from Bunia replenished FARDC small arms ammunition and rockets and evacuated 14 injured FARDC soldiers.

Stabilization and peace consolidation

42. The United Nations joint offices in Bas-Congo, Kasai Occidental and Kasai Oriental Provinces began joint planning exercises with the provincial authorities. The joint plans will be finalized by February 2013, when the United Nations country team completes its programme planning exercises. Further progress by the joint offices and efforts to transfer some of the tasks of MONUSCO to the United Nations country team is presented in annex II to the present report.

Progress in achieving a coordinated United Nations approach and critical peacebuilding gaps

43. The Democratic Republic of the Congo donor coordination group established its Executive Committee on 29 November. The Committee, comprising the United Nations, the European Union, the United States Agency for International Development and the Department for International Development of the United Kingdom of Great Britain and Northern Ireland, is to facilitate the work of the group and its strategic dialogue with the Government.

44. The New Deal for Engagement in Fragile States process focused on finalizing the fragility matrix and developing a set of national indicators for monitoring progress on peacebuilding and state-building in the Democratic Republic of the Congo.

Human rights

45. Effects of M23 military activities in North Kivu continued to be at the core of human rights concerns. A high number of allegations of violations of human rights and international humanitarian law by M23 combatants were reported during the period under review, in particular in November 2012. The violations included killing, wounding, forced displacement, extensive looting and rape of civilians, including minors. Serious human rights violations were also committed by elements of FARDC while they were retreating from Goma on 20 November. Other armed groups, such as the Mayi-Mayi Raia Mutomboki, FDLR, the Mayi-Mayi Simba/Lumumba and the Mayi-Mayi Gédéon, continued to take advantage of the security void left by the redeployed FARDC units to areas affected by the M23 rebellion. They launched violent attacks in various areas, and committed serious human rights violations against the civilian population.

46. Despite the difficulties encountered in verifying a high number of allegations, mainly due to security constraints and witness/victim protection concerns, MONUSCO was able to confirm that M23 was responsible for serious human rights violations in several parts of Rutshuru territory, Goma, Sake and surrounding areas, including the killing and wounding of civilians, abductions, rapes and widespread lootings. In line with its protection mandate, the Mission provided various forms of assistance to several categories of civilians most at risk from M23 threats. In North

and South Kivu, at least 19 human rights defenders and three journalists received direct threats from M23 elements, mostly for having spoken out against the group and resisting recruitment or defying orders.

47. The escape of all detainees of Goma prison on 20 November and the prison break of 300 detainees in Butembo prison on 13 January, as well as the looting and destruction of judicial files at the North Kivu military court in Goma by M23 combatants late in November, represent a major setback in the fight against impunity and a threat to the security of civilians.

48. As a result of several mobile court hearings held during the reporting period with the support of MONUSCO, three alleged Mayi-Mayi Simba combatants were convicted by the Ituri military garrison tribunal to sentences ranging from 20 years to life imprisonment for participation in an insurrectional movement, illegal detention of weapons of war and/or crimes against humanity involving rape, looting and murder. MONUSCO continues to advocate for the arrest and trial of the leader of the group, Captain Morgan, who is still at large. Slow progress was registered with regard to the trial in the case of the murder of Congolese human rights defender Floribert Chebeya and the enforced disappearance of his driver, Fidèle Bazana. Alleged perpetrators of the human rights violations committed in Kinshasa in the scope of the November 2011 elections, mainly elements of the defence and security forces, including of the Republican Guard, have yet to be arrested.

49. On 5 and 6 December, the Senate and the National Assembly respectively adopted the draft organic law establishing the National Human Rights Commission.

Sexual violence

50. Sexual violence continued to be of high concern. Nationwide, in November and December, MONUSCO recorded cases of sexual violence involving at least 333 women, including 70 girls, that were allegedly committed by armed groups and national security forces. In Orientale Province, in November, at least 66 women, including four minors, were reportedly raped by Mayi-Mayi Simba/Lumumba combatants in Mambasa territory. The victims were reportedly targeted during attacks on villages for their perceived collaboration with FARDC during operations against Mayi-Mayi Simba, aimed at chasing away the rebels from the mining area in Southern Mambasa. The number of cases may be far higher. Investigations into these violations are ongoing.

51. The armed forces were also responsible for serious human rights violations. In South Kivu, at least 126 women, including 24 girls, were reportedly victims of sexual violence by FARDC soldiers in Minova and its surrounding villages, in Kalehe territory, from 20 to 22 November. A total of 11 FARDC elements had been arrested so far and were awaiting trial.

52. With regard to multi-sectoral assistance to survivors of sexual violence, data recorded by the United Nations Children's Fund in November 2012 indicated that medical and psychosocial assistance had been provided to 2,193 victims, including 770 children.

Children and armed conflict

53. An alarming number of reports of grave violations of children's rights were documented, including killing and maiming, child recruitment, sexual violence and occupation of schools. As at 31 December, MONUSCO had documented 41 child

casualties as a direct result of violent conflict. Those casualties included four children who had been killed and 37 others who had been injured. The majority of victims had been killed or wounded by stray bullets or shrapnel during armed clashes between FARDC and M23 from 19 to 22 November in and around Goma.

54. Child recruitment by armed groups also increased dramatically. Cases were documented of 210 children, including 187 boys and 23 girls, who had been recruited or who had separated or escaped from armed groups. Of particular concern are ongoing reports of child recruitment by M23 in both Rwandan and Congolese territory. A total of 21 boys, including at least 7 Rwandan nationals associated with M23 in North Kivu, were interviewed by MONUSCO during the reporting period, bringing the total number of children associated with M23 documented by MONUSCO to 66. Their testimonies detailed widespread, ongoing and systematic underage recruitment on Congolese and Rwandan territory, as well as other violations, such as the killing and maiming of children within the ranks of M23. The 11 children arrested by Congolese security forces on allegations of association with M23 were released through advocacy by MONUSCO after having being detained for between two and six months. MONUSCO remains concerned by the prolonged detention and reports of ill-treatment of the children during detention. In addition, in Goma, MONUSCO is providing protection to transit centres hosting children formerly associated with armed groups through daily patrolling.

55. Also in North and South Kivu, at least 42 primary and secondary schools were occupied and damaged by the Congolese armed forces. MONUSCO advocacy with the FARDC hierarchy resulted in the withdrawal of all troops from educational institutions. However, six schools in the Kivus continued to be occupied and used as weapons depots.

56. Collaboration with national security forces has improved since the coming into effect of the action plan to halt the recruitment and use of children by national security forces. A road map to implement the action plan is being developed. Efforts to prevent children from joining the armed forces during the FARDC recruitment campaign resulted in the joint screening of 3,784 candidates and the separation of 240 children.

Illegal exploitation of natural resources

57. The *centres de négoce* (mining trading centres), established by the Government to ensure the traceability of minerals, were suspended on 18 December during a meeting of the partners due to two major obstacles. The first is the insecurity prevailing mainly in the mining sites around the Ndjingila and Itebero centres in Walikale territory due to the threats posed by the presence of Mayi-Mayi Raia Mutomboki and other armed groups and the FARDC military operations against them. The second stems from the rivalry between the holders of mining titles and artisanal miners affecting the opening of the centres of Rubaya, in North Kivu, and Mugogo, in South Kivu. Thousands of artisanal miners engage in illegal mining, as no official artisanal exploitation zones have been established to date in those areas. MONUSCO and the Ministry of Mines tried unsuccessfully to mediate between title holders and artisanal miners in order to attain special agreements aimed at recognizing the rights of the artisanal miners to exploit and process their production through the centres. All parties agreed that the operation of artisanal miners in concessions has legal, social and economic implications that need to be

addressed during the current revision of the Mining Code in order to find long-term solutions.

58. Concurrently, MONUSCO continued to support the process of tagging minerals and validating mining sites in the eastern Democratic Republic of the Congo to determine if mines are directly or indirectly controlled by armed groups and if basic human rights standards are respected. Despite efforts by MONUSCO, the establishment of two joint teams to monitor the illegal trafficking of minerals continues to be delayed since 2009 owing to a lack of resources and capacity of the Commission nationale de lutte contre la fraude minière. In parallel, with donor support, MONUSCO initiated a training project for "mining police" units of the Congolese national police.

Disarmament, demobilization and reintegration/disarmament, demobilization, repatriation, resettlement and reintegration

59. The military activities of M23 severely constrained the participation of foreign and Congolese armed elements in the disarmament, demobilization, repatriation, resettlement and reintegration process. During the reporting period, 279 foreign combatants and dependants were repatriated, including seven children who were associated with armed groups and 176 dependants. With respect to FDLR, 80 combatants, two children associated with armed groups and 159 dependants were repatriated.

60. The significant drop in the rate of participation in disarmament, demobilization, repatriation, resettlement and reintegration by FDLR could be attributed to the suspension of most joint operations targeting the armed group and the blockage of many axes towards disarmament, demobilization, repatriation, resettlement and reintegration camps due to M23 activities. The total strength of FDLR was estimated at between 1,500 and 2,000 elements. If the annual repatriation rate of 900 FDLR combatants and 1,200 dependants were maintained, the 200 hardcore elements that were not likely to accept repatriation or any related solution would be considerably isolated and their threat reduced. However, the continuing recruitment by the group could reverse the gains made through disarmament, demobilization, repatriation, resettlement and reintegration.

61. Progress in disarmament, demobilization, repatriation, resettlement and reintegration of LRA and ADF was limited. The current strength of LRA and ADF in the Democratic Republic of the Congo is estimated at 200 and 800 elements respectively. Challenges remain in making the two groups aware of the need to demobilize, in part owing to the lack of efficient reintegration initiatives in the Democratic Republic of the Congo and States in the region. At the same time, United Nations peace operations in the LRA-affected area are developing joint standard operating procedures on the disarmament, demobilization, repatriation, resettlement and reintegration of LRA, as foreseen in the regional strategy to address the threat and impact of the activities of LRA (see S/2012/481).

62. There is an increasing mixture of Congolese and foreign elements in both Congolese and foreign armed groups. Continued recruitments by foreign armed groups, including in their country of origin, remain a challenge. Overall, to minimize the threats posed by armed groups, disarmament, demobilization, repatriation, resettlement and reintegration efforts should be complemented by other stabilization initiatives.

Mine action

63. During the reporting period, the United Nations Mine Action Service removed 13,649 unexploded or abandoned ordnance and 98,274 rounds of small arms ammunition in North Kivu, Orientale, Katanga, Kasai Oriental, Kasai Occidental, Kinshasa, Bas-Congo and Equateur Provinces. Mine Action Service operations facilitated the work of MONUSCO, the Office for the Coordination of Humanitarian Affairs and other humanitarian actors in the aftermath of the M23 crisis by removing a further 3,765 unexploded ordnance and destroying 58,671 rounds of small arms ammunition in and around Goma. During the reporting period, 25,588 people, predominantly internally displaced persons and returnees, received mine risk education.

Security sector reform

64. In line with annex II to my previous report, on security sector reform, discussions continued with the Government of the Democratic Republic of the Congo on such reform in general and the reform of the armed forces in particular, with a special focus on the enhancement of the capability of FARDC to effectively protect civilians.

65. MONUSCO assisted in the establishment of a planning cell at the headquarters of the Congolese armed forces, which will coordinate training of a battalion on command and control issues.

Police

66. Following the occupation by M23 of Goma and Sake and its subsequent withdrawal, United Nations police activities had been concentrated on addressing the immediate needs of the Congolese national police to maintain law and order. The redeployment of the police in Goma faced serious logistical challenges owing to the looting of their facilities by M23. The United Nations police temporarily reinforced deployments in Goma to increase support to the police through co-location mechanisms and to conduct joint day and night patrols with the police in the city and in internally displaced persons camps.

67. In preparation of the eighth plenary session of the Police Reform Steering Committee, United Nations police contributed to the preparation of several decrees relating to the implementation of the Police Organic Law, the organization and functioning of the Congolese national police and the creation, organization and functioning of a legal advisory office. The previous three-year police reform action plan had been changed to a five-year budgeted action plan with five main axes: implementing organs; reform of the operational services; training; reform of the support services; and accountability. The Minister of the Interior signed a decree for the creation, organization and functioning of a technical support cell for police reform implementation under the authority of the Commissariat General of the Congolese national police.

68. The United Nations police conducted two six-month basic training sessions in Orientale Province and Bas-Congo for a total of 998 officers, including 42 women, and three six-month training sessions in community policing in Bas-Congo, Kasai Occidental and South Kivu for a total of 855 officers, including 82 women. In

November, the United Nations police started an eight-session training course in computer science in Kinshasa for 200 Congolese national police officers.

Justice and correction institutions

69. In November, MONUSCO, in close coordination with military and civilian justice authorities, evacuated from Goma 40 military and civilian justice personnel who were at risk of retaliation from M23 due to ongoing investigations of serious crimes involving some M23 leaders. The crisis left Goma with a considerable vacuum in the criminal justice chain.

70. Some progress was achieved in the prosecution of serious crimes by the Congolese military justice through the assistance of prosecution support cells. As a result, the memorandum of understanding between the Government of the Democratic Republic of the Congo and MONUSCO on modalities of assistance of the cells, which expired on 18 December, was renewed for another year. During the reporting period, the cells registered three additional requests, for a total of 28 official requests, from the military justice authorities for support in the prosecution and investigation of serious crimes, including war crimes. The cells also supported the holding of seven mobile court sessions, during which 30 judgements were rendered, including 13 related to sexual violence crimes.

71. MONUSCO and the United Nations Development Programme (UNDP) continued to help Congolese authorities in the area of justice sector reform. MONUSCO supported the Ministry of Justice and Human Rights in its nationwide vetting process of all non-magistrate staff working in the judiciary. Consultations between the Ministry of Justice and Human Rights, MONUSCO and UNDP continued with the aim of finalizing the United Nations multi-year joint justice programme document. It was anticipated that the programme will start in the first quarter of 2013.

72. MONUSCO also supported the Congolese authorities in developing a prison health strategy for the integration of prisoners' health care into the national health system.

Electoral developments

73. In addition to the adoption of the law on the Independent National Electoral Commission by the parliament, the reporting period saw gubernatorial elections in three provinces. Nonetheless, only modest progress was made in taking forward the next phase of the electoral cycle, due to the suspension of the electoral calendar by the National Assembly and the delay in the adoption of the revised organic law on the Commission.

74. Legal challenges were filed in Orientale and Bas-Congo Provinces to gubernatorial election results, in which candidates endorsed by the presidential majority lost to others. On 3 January, the Supreme Court of Justice gave its final decision, by which it rejected the appeals. In Kasai Occidental, gubernatorial elections were held on 13 December. On 31 December, the Kananga Court of Appeals in Kasai Occidental confirmed the results of the elections, triggering four petitions filed against the decision at the Supreme Court of Justice. On 23 January, President Kabila signed three appointment orders for the Governors and Vice-Governors of Orientale, Bas-Congo and Kasai Occidental Provinces.

75. On 23 November, the Supreme Court of Justice rejected the appeals against the seven deputies elected in Masisi (North Kivu), thus paving the way for the validation of their mandates by the National Assembly on 13 December. Except for the seat of Befale, which required that a by-election be held, for which no date has yet been set, the National Assembly now counts 499 validly mandated deputies out of 500 seats. The Masisi results, however, remained politically sensitive against the backdrop of charges of undue CNDP influence.

76. Owing to the persistent uncertainty regarding the electoral calendar, multilateral donors and UNDP, in consultation with MONUSCO, decided to reduce the strength of the UNDP project to support the electoral cycle from a total of 43 staff to a minimum of 5 staff until March 2013. Meanwhile, MONUSCO continued to provide assistance, including a review of the electoral roll, support to the reform process of the Independent National Electoral Commission, improvements to the security of electoral documents and enhancing the participation of civil society and women in the electoral process.

Joint assessment process

77. In November, MONUSCO and Government representatives conducted joint assessments. The security and humanitarian situation and progress in the extension of State authority were assessed in 27 territories throughout Orientale, North Kivu, South Kivu and Katanga Provinces. For North Kivu, given the sudden deterioration of conditions on the ground after the occupation of Goma by M23, a desktop review was conducted instead of field visits. The joint assessment teams noted the deterioration in the security and humanitarian situation throughout the provinces assessed, including the resumption of activities of armed groups, the recrudescence of inter-ethnic violence across North Kivu and South Kivu, the consolidation of an M23 administration in large portions of North Kivu Province and the persistent activities of Mayi-Mayi elements in Katanga Province. In general, the MONUSCO deployment, as adjusted throughout the reporting period, responded to the requirements for the implementation of the overall mandate of the Mission.

IV. Observations

78. Since my previous report (S/2012/838), of 14 November 2012, a great deal of effort has been devoted to bringing an end to the conflict in North Kivu. As documented in the present report, the activities of M23 have had far-reaching and serious negative implications for stability in the eastern Democratic Republic of the Congo and the Great Lakes region, adversely affecting hundreds of thousands of innocent civilians. Concurrently, progress achieved in a range of areas has been put on hold and even reversed in some places. There has also been a worrisome increase in cases of serious human rights violations in conflict-affected areas, including forced displacement and sexual violence, often involving children. In this context, the facilitation by the Government of Uganda of dialogue in Kampala since 9 December between representatives of the Government of the Democratic Republic of the Congo and M23 has helped to deter further offensive operations by the Congolese armed forces and M23. However, the possibility of a resumption of hostilities remains a serious threat.

79. This latest cycle of violence in the eastern Democratic Republic of the Congo calls for a new, comprehensive approach that will focus on the causes of the recurrent crises and ensure a robust political process. Building on existing commitments and on initiatives of the leaders and organizations of the region, I am continuing discussions on an innovative plan for a concerted, multi-tracked framework at the regional level. I continue to hold consultations with leaders of the region in order to reach an agreement on the framework for peace, security and cooperation for the Democratic Republic of the Congo and the region. The implementation of such a framework could be supported by the appointment of a special envoy, who would accompany and assist the countries of the region in monitoring progress against agreed benchmarks. The success of such an approach will also depend on the support that the international community offers for its implementation. The approach will require sustained engagement from many actors, but I am convinced it can bring about the changes that have eluded this region for too long.

80. While it cannot be a substitute for the political will of the leaders of the region to address the root causes of the recurrent cycles of violence, MONUSCO will have an important role to play in support of this approach. With the right capacities, including those mentioned in my letter dated 27 December 2012 to the Security Council, and with the addition of an enforcement mechanism with appropriate authority and capacity, MONUSCO can play a key part in addressing the immediate threats to peace in the eastern Democratic Republic of the Congo. It can also actively support some of the essential reforms that President Kabila has agreed to put in place.

81. Despite the challenges posed by M23 and other armed groups to the stability of the eastern Democratic Republic of the Congo and the region, some progress can be recorded in other areas. In that regard, as supported by the information in the annexes to the present report, important and ongoing steps are being taken to transfer responsibility for MONUSCO tasks to the United Nations country team in areas not affected by armed conflict, underlining the intent to eventually withdraw the Mission from those areas and to maximize the use of resources. Similarly, a new stabilization strategy is being implemented; the interest and continued engagement of donors remains critical to its success, including the identification of the necessary resources.

82. Renewed attention must be given to the prospects and means of completing the current electoral cycle through the conduct of credible, transparent and democratic provincial and local elections. In the coming months, pending implementation of the anticipated reform of the Independent National Electoral Commission, a thorough assessment of the timing, conditions and requirements of the elections will be conducted in close consultation with major international partners to determine the recommendations for the potential support to be provided by MONUSCO. Consultations will be held with the Security Council while the recommendations are prepared and a full summary of the status of the electoral process will be provided in my next regular report to the Council.

83. I should like to thank my Special Representative, Roger Meece, and all personnel of MONUSCO and the United Nations country team for their tireless engagement and efforts, despite the setbacks in recent months. MONUSCO military personnel, in particular, have been at the forefront of what has been at times a combat rather than a peacekeeping environment. Their courage, bravery and resilience, and that of our civilian colleagues in the field, are worthy of admiration and praise. They continue to work for the betterment of the living conditions of the Congolese people, which remains our ultimate objective.

Annex I

Review of the implementation of the International Security and Stabilization Support Strategy

I. Introduction

1. In resolution 2053 (2012), stressing that serious challenges to peace and stability remain in the eastern provinces of the Democratic Republic of the Congo, the Security Council requested the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to undertake a strategic review of the implementation of the International Security and Stabilization Support Strategy. The Council requested that the strategic review provide a clear definition of stabilization in the context of the eastern Democratic Republic of the Congo and present a revised strategy and time frame for achieving stabilization with a view to strengthening the efforts and engagement of MONUSCO with the Government of the Democratic Republic of the Congo to ensure that the approach and activities under the Strategy are closely aligned with and effectively support the stabilization and reconstruction plan of the Government. The present annex is presented pursuant to paragraphs 7 and 28 of the resolution. Stabilization programmes and activities constitute part of the overall comprehensive approach that I intend to present to the Council in my upcoming special report on the Democratic Republic of the Congo.

II. Background

2. The concept of stabilization is based on the view that the recurrence of cycles of violence stems from a complex interplay of political, social and economic challenges. Addressing those multidimensional and multi-sectoral challenges requires that efforts and purpose be united at the local, provincial, national and regional levels.

3. Through a combination of top-down and bottom-up approaches, stabilization interventions seek to contribute to changes in the relationships between citizens and agents of the State. That implies an ongoing dialogue between the population and the State to build mutual confidence and trust and act as a basis on which to establish responsibilities and accountability and to develop institutional capacities to manage the drivers of conflict, ultimately leading to increased State legitimacy and effectiveness.

4. In the context of the Democratic Republic of the Congo, stabilization can be defined as an integrated, holistic but targeted process of enabling the Government and the population to build mutual accountability and capacity to address and mitigate existing or emerging drivers of violent conflict, creating the conditions for improved governance, durable solutions for the return and reintegration of conflict-affected groups and longer-term development.

5. The International Security and Stabilization Support Strategy is the main instrument of the international community to provide support to the stabilization and reconstruction plan of the Government, which was launched in June 2009 by presidential ordinance and renewed in October 2011 until June 2014.

6. Priority interventions targeted by the International Security and Stabilization Support Strategy are determined by the coordination mechanisms of the stabilization and reconstruction plan, co-chaired by the Government and MONUSCO at the provincial and national levels. Donors committed $340 million in support of the Strategy, which led to the opening of 650 km of new roads and the provision of significant new infrastructure to the police, army, justice and corrections systems and the civil administration.

III. A new vision for the International Security and Stabilization Support Strategy

7. Founded on the understanding that stabilization is first and foremost a political process, the new vision for the International Security and Stabilization Support Strategy articulates an approach that identifies three levels of intervention: national, provincial and local. At the national level, the Strategy aims at informing donors on progress made with regard to national reforms and the impact of such reforms on populations living in conflict-affected areas. It also seeks to promote dialogue between national and provincial authorities to enhance understanding and promote mutual accountability. At the provincial level, the Strategy aims at increasing Government support to stabilization and livelihoods initiatives, including those emerging at the community level, and clarifying responsibility for the implementation of national reform processes. At the local level, the Strategy encourages local communities to actively participate in identifying solutions to conflicts within and between communities. The Strategy also aims at promoting dialogue and building confidence between communities and the police and the army.

Objectives

8. The objective of stabilization efforts in the Democratic Republic of the Congo is to enable the Government to manage and mitigate the key drivers of violent conflict, reinforce the legitimacy and credibility of the social contract and foster long-term economic development. This vision requires Strategy interventions to be tailored to localized conflicts, which may be affected by national and regional developments or actors, and implies continued negotiation between the population and the Government as a basis for the establishment of responsibilities and accountability.

9. Aligned with the principles of the new deal for engagement in fragile States, the new International Security and Stabilization Support Strategy also takes into account the commitments made by the Government of the Democratic Republic of the Congo within relevant regional peace initiatives or as part of a national consultation process that may touch on institutional reforms and the extension of State authority.

10. The revised five pillars and corresponding objectives of the International Security and Stabilization Support Strategy are provided below.

Objective 1: Democratic dialogue

11. The first objective is to ensure that the population of the eastern Democratic Republic of the Congo and the Government are engaged in an inclusive dialogue process in order to address the causes of conflict between communities, consolidate

a peace dividend and create more stable institutions. This pillar, which in the first International Security and Stabilization Support Strategy was referred to as "political processes", will be re-cast for the second phase with the aim of extending or creating durable dialogue mechanisms among communities and between communities, civil society and Government institutions at the local and provincial levels.

Objective 2: Security and justice

12. The second objective is to establish and strengthen people's security, address injustices and increase people's access to justice. It is also to ensure that the Government develops the minimum capacity necessary to be able to protect civilians and borders and becomes a partner that contributes to peace and stability in the Great Lakes region. Projects of the International Security and Stabilization Support Strategy will aim to increase the capacity of Government institutions and help ensure the creation of effective incentives for changes in institutional policy or individual behaviour. The projects will address the army, the police, the judiciary and the prison system with the aim of helping them to provide adequate protection for the population and uphold the rule of law. To do so, the ability of the Congolese military to deliver security to its citizens will need to be strengthened and measures will need to be devised to improve the cohabitation between military personnel and their dependents and the civilian population. Coordination of the handover of security tasks from the army to the police, where feasible, will also be supported. Critical support will be provided to build the capacity of justice institutions, including the police, the judiciary and prisons.

Objective 3: Restoration of State authority

13. The third objective is to ensure that populations in stabilization areas perceive the State as an enabling presence. The re-establishment of State functions in areas formerly controlled by armed groups will continue to be a priority through the deployment of State agents and limited support for their effective functioning. Additional attention will be given to measures aimed at improving the capacity and integrity of the police, judiciary and prison system. Projects of the International Security and Stabilization Support Strategy will be aligned with longer-term governance reforms, which will be encouraged and supported through engagement with the Government at the central and provincial levels.

Objective 4: Return, reintegration and socioeconomic recovery

14. The fourth objective is to ensure that socioeconomic improvements in areas of return and reintegration contribute to reducing the risks of renewed conflict, transforming conflict and ensuring peaceful coexistence among communities. The International Security and Stabilization Support Strategy will prioritize programming that targets at-risk groups and communities at risk. The mediation of land conflicts, provision of support for agricultural recovery and creation of employment for youth and poverty-stricken communities will be key activities. Supporting durable solutions for refugees and internally displaced persons will also be a priority. The return of refugees and internally displaced persons will be facilitated by the improvement in local conditions brought about by improved security and the successful implementation of socioeconomic recovery programmes with a particular focus on livelihoods.

Objective 5: Sexual violence

15. The fifth objective is to ensure the Government takes forward the national strategy on combating gender-based violence, to ensure not only medical and judicial assistance for the survivors but also prevention, protection, security sector reform and the fight against impunity to address sexual violence in conflict. The United Nations continues to support the Government to implement the strategy structured around five priority areas supported by the key United Nations stakeholders, MONUSCO, the United Nations Joint Human Rights Office, the Office of the United Nations High Commissioner for Refugees, the United Nations Development Programme, the United Nations Children's Fund and the United Nations Population Fund. The implementation of the new phase of the International Security and Stabilization Support Strategy will see the development of specific activities aimed at supporting the national strategy on combating gender-based violence. For example, the democratic dialogue initiative will be used to identify practical measures to support the social reintegration of victims of sexual violence in conflict. The security pillar will address the issue of sexual violence through activities aimed at promoting behavioural change in the Forces armées de la République démocratique du Congo (FARDC). Support given to the police, justice and corrections system will also be used develop specific programme components with a focus on sexual violence in conflict. Attention will be paid to ensure that the Strategy programmes address the issue of child victims of sexual violence in conflict.

Time frame

16. The time frame proposed for the implementation of the revised International Security and Stabilization Support Strategy is five years, 2013 to 2017. It is recognized that the reform processes that the Strategy will accompany have a significantly longer duration than this time frame. The Strategy is seen as a planning framework that will permit the international community to align its assistance to the Government with the shared objective of achieving significant progress in key areas that together will help to increase stability in the eastern Democratic Republic of the Congo. The development of a robust monitoring and evaluation tool in the first quarter of 2013 will allow progress to be measured against the stated objectives so that adjustments can be made if necessary. A planned review at the end of 2014 will serve as a critical point of reflection, which will inform a discussion between the Government and the international community on whether further adjustments are required.

IV. Way forward

17. The stabilization strategy is not a long-term solution to address all underlying causes of conflict in the eastern Democratic Republic of the Congo. The strategy will need to continue to be flexible in order to seize opportunities and adapt to challenges. The International Security and Stabilization Support Strategy cannot be effectively implemented in the absence of State authority or in areas under the control of armed groups. The strategy will focus on a limited number of areas where it can make a difference and, through such successes, demonstrate more widely the value of the approach. This will lead to a situation where the stabilization programmes in Ituri, for example, will look quite different from those in South

Kivu. If resources permit, the strategy will aim to explore possibilities in Provinces such as Katanga, Maniema and Orientale, which have not been a major focus of efforts to date.

18. If the International Security and Stabilization Support Strategy is to be successful, a number of key elements are required. First, the implementation of the Strategy should be kept in focus, not only in terms of geographical targeting, but also with regard to the intended impact. This will therefore require the accurate analysis of the specific context in the selected target areas. Planning should also be phased so that, as conditions improve, further measures come on line in a coordinated way to cement achievements and prepare for further gains. Second, the Government support to stabilization must be strengthened, including through the allocation of additional human and financial resources to its stabilization and reconstruction plan. While capital investments may be valuable in this respect, most important will be the regular budget support required to pay salaries and cover the recurring operational costs of the army, the police, magistrates and civil servants. To achieve this, the United Nations and international partners in the Democratic Republic of the Congo should engage the Government with one voice and align their support with the strategy in a way that acknowledges and accommodates the capacity and financial constraints of Government institutions at the central and provincial levels.

Annex II

Strategy and efforts made to effectively transfer the responsibility of some MONUSCO tasks to members of the United Nations country team

I. Introduction

1. In its resolution 2053 (2012), the Security Council reaffirmed that the protection of civilians must remain the overall priority of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO). It requested that MONUSCO continue to work with the United Nations country team and Congolese authorities towards the adoption and implementation of the Peace Consolidation Programme covering provinces not affected by conflict and also requested MONUSCO, where appropriate, to continue transferring tasks to the country team in those provinces. It requested the Secretary-General to report by February 2013 on the strategy and efforts to effectively transfer the responsibility for certain tasks from MONUSCO to members of the country team. The present annex is submitted pursuant to paragraph 28 of the resolution. A further prioritization of the tasks and responsibilities of MONUSCO will be proposed to the Council in the light of the comprehensive approach to the situation in the country and the region that will be presented in the forthcoming special report of the Secretary-General to the Council.

II. Current context

2. While focusing the allocation of resources to the protection of civilians and stabilization in the eastern Democratic Republic of the Congo, significant progress has been made by the United Nations country team and MONUSCO towards defining joint strategic outcome areas and programme priorities in support of peace consolidation in areas not affected by armed conflict. As requested by the Security Council in paragraph 28 of its resolution 2053 (2012), efforts continue to be made to transfer the responsibility of certain tasks of MONUSCO to members of the country team. In Bas-Congo, Kasai Occidental and Kasai Oriental Provinces, the leadership of the United Nations system presence has been transferred from MONUSCO to the country team with the establishment of area coordinators. In addition, the Mission has designed a model office concept to guide the process of reducing its presence in the western part of the country, while retaining adequate capacity to support the implementation of the Peace Consolidation Programme in areas not affected by armed conflict.

3. In close collaboration with the United Nations country team, the Mission continues to take steps to effectively transfer some tasks to the country team while also assessing areas where MONUSCO must maintain responsibility for mandated tasks, such as the provision of support to the organization and conduct of provincial and local elections, through the provision of technical and logistical support.

4. Western provinces of the Democratic Republic of the Congo that are not affected by armed conflict are still facing a number of important fragility factors, including weak governance and extremely high poverty and unemployment rates.

The capacity of the State to govern, including to deliver social services, levy taxes, strengthen the rule of law and manage low-intensity conflicts at the community level, continues to be constrained by corruption and weak administrative management. Nationwide, delays in the decentralization process have stalled the establishment of the 26 provinces from the existing 11, as stipulated in the 2006 Constitution. Provincial and local elections, initially scheduled for 2012, have been postponed until after the reorganization of the Independent National Electoral Commission.

5. Pockets of localized instability, fuelled by unresolved issues of land management and control over natural resources, persistent inter-ethnic and intercommunal tensions, which in some cases have resulted in human rights violations, remain primary drivers of localized conflict and displacement in the western provinces. Generally, the outcome of the 2011 elections contributed to an atmosphere of distrust and some degree of political polarization, a situation that has affected western provinces where certain opposition parties have important political bases. MONUSCO and the United Nations country team continue to accompany and provide assistance to the Government in its efforts to address these challenges.

III. Recent progress

6. In my previous report (S/2012/838), I informed the Security Council that the Peace Consolidation Programme had been formally presented to the Government in July 2012. In support of Government priorities, the programme aims at addressing fragility factors in areas not affected by armed conflict and areas not covered by the Government's stabilization and reconstruction plan. Progress continues to be made in developing the strategic frameworks for the implementation of the Peace Consolidation Programme, which includes four priority objectives in line with the national plans, on conflict prevention and stabilization, employment creation and youth employment, the restoration of State authority and the development of basic social services.

7. The Mission is continuing its engagement with the United Nations country team and Congolese authorities towards the refinement and adoption of the Peace Consolidation Programme, the goals of which are consistent with those of the New Deal for Engagement in Fragile States process. Following the Fourth High-Level Forum on Aid Effectiveness, held in November 2011 in Busan, Republic of Korea, the Government of the Democratic Republic of the Congo launched the New Deal process, which proposes new terms for a national-international partnership to strengthen State authority and peace consolidation. On the basis of peacebuilding and State-building goals within the New Deal process, the Government is currently undertaking an analysis that aims at identifying factors contributing to fragility and determining priorities at the country level that will lead to the formulation of a national vision, plan and a country-level compact.

8. In addition, a fragility matrix was developed by the Government with support from the United Nations country team, development partners and civil society representatives under the new deal process. The matrix is considered an important reference point for informing national priorities and complementing existing strategies for peace consolidation.

9. In 2011, the Government endorsed the Poverty Reduction Strategy Paper for the period until 2015 and translated expected results to the provincial level, assigning each province a five-year development plan that sets the stage for advocacy for development results at the provincial level. The results framework of the Strategy Paper also forms the basis for the United Nations Development Assistance Framework for the period from 2013 to 2017, in which the strategic outcome areas are defined for the engagement of the United Nations country team with the Government. The Framework has been validated by the Government and is expected to be officially launched in February 2013. The country programme documents and an action plan are being developed in the context of implementation of the Framework.

IV. United Nations representation and joint offices

10. The United Nations Area Coordinator mechanism was launched in September 2012. The official inauguration of three United Nations joint offices under the authority of United Nations Area Coordinators in Matadi (Bas-Congo), Mbuji-Mayi (Kasai Oriental) and Kananga (Kasai Occidental) marked the first phase of the transition from peacekeeping to peacebuilding, to create durable solutions for displacement and returns and foster development and economic recovery in provinces where relative peace is observed. With the discontinuation of the functions of MONUSCO heads of offices, the Area Coordinators are the most senior United Nations officials in those provinces. The Area Coordinators are funded by members of the United Nations country team and contribute to the further integration of initiatives on peace consolidation, stabilization and development, while coordinating with the Government and other implementing partners.

11. The establishment of the three United Nations joint offices seeks to achieve greater unity in purpose, coherence and efficiency in support of Government priorities. In addition, the joint leadership initiative reflects the commitment of the United Nations family to "Delivering as One", and is the outcome of negotiations held at the strategic, programmatic and operational levels between the United Nations country team and MONUSCO within the context of an integrated mission, establishing mechanisms for joint analysis, programming and collaboration between the country team and the Mission. The establishment of the United Nations joint offices is also an integral part of the process to reduce the presence of MONUSCO, while retaining adequate capacity in areas not affected by armed conflict. Since the deployment of United Nations Area Coordinators, increased levels of coordination at the provincial level, joint planning with the country team members and ongoing mapping exercises have already contributed to discussions in support of a gradual transfer of tasks to the country team. A priority for the coming months will be to align national and provincial plans with the annual workplans and results frameworks developed by the country team at the provincial level.

12. In accordance with mandated priorities and the situation on the ground, MONUSCO continues to implement the model office concept and reallocate resources from areas not affected by armed conflict to priority areas in eastern provinces while retaining a minimum presence to perform key mandated tasks in support of peace consolidation. Such consolidation includes context analysis and cross-mission representation, monitoring and reporting; monitoring and reporting of human rights violations; support for the extension of State authority and

consolidation of democratic institutions; conflict resolution at the community level; outreach, confidence-building and communications; and logistics and administrative support.

13. In addition, the processes of peace consolidation and adjusting the presence of the Mission in areas not affected by conflict must take into consideration the next phase of the electoral process, namely, the conduct of credible and transparent provincial and local elections. Support to this phase of the electoral process remains a mandated task for MONUSCO, in accordance with paragraph 16 of Security Council resolution 2053 (2012), and its scope would be subject to the findings of a United Nations electoral needs assessment mission.

14. The United Nations country team and MONUSCO will continue to support the strengthening of national capacities for Government and civil society to create an enabling environment for democratic governance and socioeconomic development. To date, 14 provincial technical committees have been established, including in the western provinces, with representatives from the Government and civil society, the country team and international non-governmental organizations, which have already prioritized 139 areas to target support for stabilization and peacebuilding programmes. The provincial technical committees also identify the needs for addressing the root causes of the conflicts.

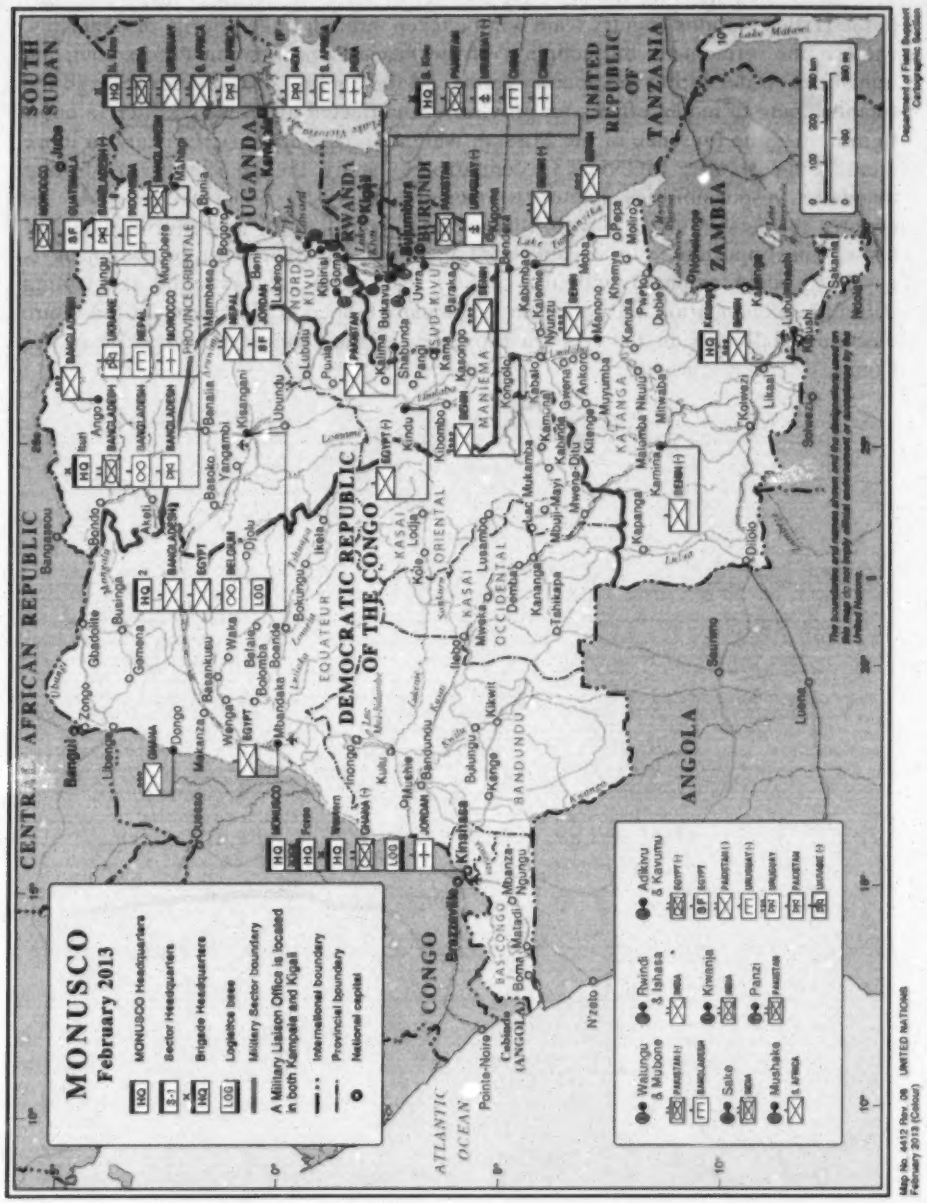
V. Way forward

15. In close cooperation with the United Nations country team, the Mission will continue to support efforts to refine and implement the Peace Consolidation Programme. Efforts will also continue to be made towards refining the strategy for a continued reduction of the footprint of MONUSCO in the areas not affected by armed conflict through the transition of leadership from MONUSCO heads of offices to the Area Coordinators and the definition of functions essential for the implementation of the mandated tasks of the Mission. MONUSCO will also continue to ascertain the possibility of transferring mandated responsibilities related to electoral technical assistance to the country team. Furthermore, the Mission will ascertain the feasibility of performing certain mandated tasks from its headquarters in covering areas not affected by conflict.

16. The Mission will continue to support the expansion of the Area Coordinator mechanism through the transfer of United Nations representation to the United Nations country team and the establishment of joint offices in areas not affected by armed conflict. This strategy will also take into account support requirements and expertise or assets that would need to become an integral part of such planning and coordination efforts for the achievement of the common results. Furthermore, given the vastness of the Democratic Republic of the Congo and the existing number of United Nations agency field offices, there is an opportunity for operational efficiency if security, transport and logistics can be pooled and shared in common premises. While this would require United Nations agencies, funds and programmes to be willing to relocate to common United Nations premises, economies of scale are expected to materialize over time.

VI. Conclusion

17. Continued steps for the effective transfer of some MONUSCO responsibilities to the United Nations country team will be taken through three priority mechanisms, namely, the refinement and adoption of the Peace Consolidation Programme; the transfer of leadership to the country team; and the pooling of resources through the establishment of model offices for provinces not affected by armed conflict, in order to minimize the presence of the Mission while ensuring adequate capacity in those areas. Concurrently, MONUSCO continues to study the possibility of shifting mandated responsibilities related to electoral technical assistance towards the country team, as well as possibilities of pooling resources to perform mandated tasks. The opportunity to expand such measures to other western provinces is currently being explored with the country team. The strategy aims at enabling current implementation and future development while taking into account the future electoral challenges in the western provinces of the Democratic Republic of the Congo.


MONUSCO
February 2013
MONUSCO Headquarters
Sector Headquarters
Brigade Headquarters
Logistics base
Military Sector boundary
A Military Liaison Office is located in both Kempale and Kigali
International boundary
Provincial boundary
National capital
CENTRAL AFRICAN REPUBLIC
SOUTH SUDAN
UGANDA
RWANDA
BURUNDI
UNITED REPUBLIC OF TANZANIA
DEMOCRATIC REPUBLIC OF THE CONGO
CONGO
ANGOLA
ZAMBIA
ATLANTIC OCEAN
Department of Field Support
Cartographic Section

United Nations S/2013/97

Security Council

Distr.: General
15 February 2013

Original: English

Letter dated 14 February 2013 from the Permanent Representative of Denmark to the United Nations addressed to the President of the Security Council

I have the honour to write to you with regard to document S/2013/10 dated 2 January 2013, containing the summary statement by the Secretary-General of matters of which the Security Council is seized and of the stage reached in their consideration. I have the honour to inform you that Denmark requests that the following item, listed in paragraph 3 of the above-mentioned document, remain on the list of matters of which the Council is seized:

77. Briefing by the United Nations High Commissioner for Refugees.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Carsten **Staur**
Ambassador
Permanent Representative of Denmark to the United Nations

13-23557 (E) 150213

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United Nations A/67/745–S/2013/98

General Assembly
Security Council

Distr.: General
19 February 2013
English
Original: Arabic

General Assembly
Sixty-seventh session
Agenda item 105
Measures to eliminate international terrorism

Security Council
Sixty-eighth year

Identical letters dated 15 February 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

On instructions from my Government, I should like to draw your attention to the following information:

The Turkish Government continues to interfere blatantly, both directly and indirectly, in Syria's internal affairs. By doing so, it is violating the letter and spirit of the Charter of the United Nations, international law and the rules governing relations between States, thereby threatening peace and security in the region and the rest of the world. That Government has intensified the hostility of its stance towards Syria by attempting to hinder implementation of the political programme proposed by the President of the Republic and the subsequent practical steps taken by the Syrian Government to implement that programme as a peaceful, political solution to the crisis in Syria. It has also been putting pressure on certain members of the Syrian opposition to reject this programme. On the other hand, Turkey has allowed armed terrorist groups, including, most importantly, Al-Qaida, as well as the Nusra Front and other terrorist organizations, to assemble, take refuge, receive funding and arms, engage in smuggling and enter Syrian territory. It is also openly supporting and justifying the destructive acts of terrorism those groups commit, including the killing of innocent civilians and the systematic destruction of infrastructure, Government buildings, public and private factories and institutions, and public and private property.

Under the rules and principle of international law and the principles that govern international relations and good-neighbourly relations, the actions of the Turkish Government are a stark violation of the rules and principles of international law. The Turkish Government is in violation of Article 2, paragraph 4, of the Charter, which provides that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations". It is also in violation of the Declaration on Principles of

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International Law Concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV)), which provides:

> "... the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security".

Under the heading "The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter", the Declaration provides the following:

> "No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law".
>
> "Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State".
>
> "Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State".

Under the heading "The principle of equal rights and self-determination of peoples", the Declaration provides: "Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country".

The Turkish Government is also in violation of the 1986 judgement of the International Court of Justice in the case of *Nicaragua v. United States of America*. In that judgement, the Court stated that "... if one State, with a view to the coercion of another State, supports and assists armed bands in that State whose purpose is to overthrow its government, that amounts to an intervention in its internal affairs, whatever the political objective of the State giving support". This is precisely what Turkey is doing when it supports the armed Syrian opposition.

The Court further added that "... a prohibited intervention must be one bearing on matters in which each State is permitted, by the principle of State sovereignty, to decide freely .... Intervention is wrongful when it uses, in regard to such choices, methods of coercion, particularly force, either in the direct form of military action or in the indirect form of support for subversive activities in another State".

Turkey also continues to violate Security Council resolution 1373 (2001), in particular paragraphs 3 (f) and (g), in which the Council calls upon all States to:

> "Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts;
>
> "Ensure, in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims

of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists".

In view of Turkey's continued and stark violation of the principles and rules of international law and good-neighbourly relations, it is incumbent on the international community, in its entirety, to prevent the Turkish Government and those regional and international actors that are conspiring against Syria from continuing in their course of action, which is tantamount to an act of aggression. It must also compel the Turkish Government to desist from intervening in Syria's internal affairs, violating its sovereignty and attempting to break up Syria and undermine its national unity and territorial integrity. It must furthermore be compelled to control its borders and cease harbouring, training, financing and supporting armed terrorist groups, including Al-Qaida, as well as the Nusra Front and other groups that cooperate with Al-Qaida, that are taking refuge and receiving training in Turkish territory and from which they are launching their operations.

The Syrian Government reiterates its respect for the friendly Turkish people. It believes that the actions of certain States and the Turkish Government, in particular, are aimed at hindering and undermining the significant measures taken by the Syrian Government to implement the political programme for resolving the Syrian crisis through the cessation of hostilities, as a matter of priority, in the context of a concerted effort aimed at initiating national dialogue, reconciliation and reconstruction, re-establishing stability and security in Syria and the region, and maintaining international peace and security.

I should be grateful if this letter could be circulated as a document of the General Assembly, under agenda item 105, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Permanent Representative of
the Syrian Arab Republic to the United Nations